



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION

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August 26, 2015

MEMORANDUM

TO: The Chair and Members of the Commission

FROM: Toni Loper, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF BRIGHTERGY, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED JULY 31, 2015; FILED AUGUST 5, 2015) - PSC DOCKET No. 15-1177

Background

On July 31, 2015, Brightergy, LLC (the "Company") submitted an application (the "Application") with the Delaware Public Service Commission ("Commission") for an Electric Supplier Certificate ("ESC") to act as a Broker in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1001 - §1020 (the "Act") and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").¹

Application

The Company's original filing was submitted on July 31, 2015 but the submitted Application did not meet the minimum filing requirements ("MFR's"). Staff requested that the Company file additional documentation and requested that the Company provide the following information: a) a copy of the Delaware Business License, b) a statement indicating whether the Applicant has ever had its authority revoked, c) a signed, sworn verification of the original Application, as the name of the Company was omitted from the submitted verification, d) a signed, sworn verification of the subsequent filing. The requested information and verification forms were received from the Company on August 5, 2015, which completed the Applications MFR's.

Review and Analysis

Authority to do Business in Delaware

The Company is limited liability company formed under the laws of the State of Missouri. The Applicant has provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of Delaware.

¹ Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

Resident Agent

The Company lists InCorp Services, Inc. based in Wilmington, DE as its Resident Agent.

Compliance with Regional Requirements

The Company affirms in its Application that it will only present electricity supply contracts to its customers from Marketers/Electric Suppliers who are in compliance with all applicable PJM requirements.

Financial, Operational, Managerial and Technical Ability

The Company provided confidential financial statements as indicia of financial capability under Section 2.1.1.5.1 of the Supplier Rules. Staff believes that these financial documents show substantial evidence of the Applicant's ability to provide services as a Broker in the State of Delaware.

The Company anticipates acting as a Broker serving small commercial, large commercial and industrial customers for the sale or purchase of electricity throughout the State of Delaware. The Application states that the Company currently offers service in The District of Columbia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, and Rhode Island. Staff has confirmed that the Company is licensed in those states. The Application states that the Company has not been denied approval nor had its authority revoked by any state commission. Staff believes that this information shows substantial evidence of the Applicant's operational and technical ability to provide services as a Broker in the State of Delaware.

The Application included a summary of the key operating personnel of the Company. Mr. Adam Blake, Chief Executive Officer ("CEO"), founded Brightergy in late 2010. His experience in the energy industry during that time includes responsibility for strategic vision and planning, productivity improvement, budgeting/forecasting, customer relations, and operations. Mr. Blake's experience encompasses founding two other organizations since 2007 where he managed a team of 15 responsible for purchase, renovation and leasing of student housing in a Texas market. Mr. Ryan Gardner, Principal and Vice President of Sales, is a Brightergy founding member. Since the company's inception in 2010, Mr. Gardner's responsibilities have included management of a sales department consisting of 25 employees with 7 direct reports, sales policy formulation, contract negotiations, sales team training, strategic and tactical market creation/planning. His previous work experience includes, among other duties, management of over 20 MW of solar projects, management of 12 direct reports, and implementation of operational efficiencies. Ms. Summer Robbins, Director Energy Supply Management, has over 13 years' of experience in the energy industry. Ms. Summers' has been with the Company since 2014 and her responsibilities include energy procurement, risk management, trading and operations. Her previous work responsibilities include energy market analysis, credit evaluation, accounting reconciliation, development of hedging strategies for clients, and energy assessments, among others, as an Energy Manager/Trader within the industry. Staff performed an internet review of the Company and its key operating personnel. The search did not reveal any issues. Staff believes that this information shows substantial evidence of the Applicant's operational, managerial, and technical ability to provide services as a Broker in the State of Delaware.

Surety Bond

The Company did not post a surety bond because it is a Broker only and there are no service agreements between the Company and any Delaware Electric Distribution Company. The Company will not collect any fees or deposits from any of its customers for any of its brokerage services.

Verification of Application

The Application and subsequent filings were verified in signed, sworn verification letters by Mr. Tyler Staebell, Vice President of Accounting and Finance.

Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

Contracts

The Company also did not provide any sample contracts for small commercial customers because it is a Broker only and does not and will not have contracts with Retail Electric Customers to provide Electric Supply Service.

Statement of Criminal Activity

The Applicant stated in the Application that they have not been charged or convicted of any criminal activity nor have any of its principals or corporate officers. The Applicant has no affiliated interests. An internet review of the Company and its principals revealed no outstanding issues.

Legal Review

On August 26, 2015, following Staff's completed review and analysis of the Application, Staff forwarded its final analysis to the assigned attorney to confirm that all required documentation requested and received from the Company was in compliance with Delaware law and the Supplier Rules and Regulations.

Staff Recommendation

Based on Staff's review of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The Company resolved all outstanding issues with Staff and the completed application supports the Company's request for certification. Staff's review and analysis of the Application submitted by the company demonstrates substantial evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.